

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:15-cr-00244-MOC-DSC

UNITED STATES OF AMERICA,

Vs.

MICHAEL KIPP  
JOANNE VIARD,

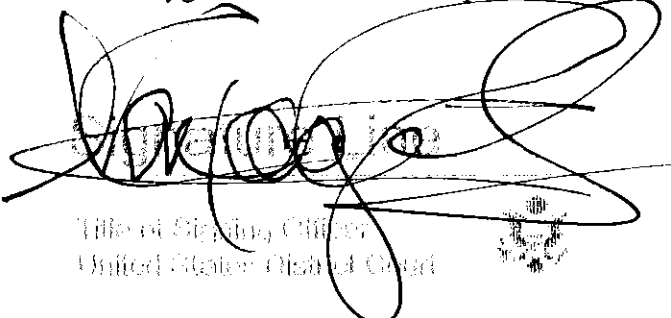
Defendants.

ORDER

**THIS MATTER** is before the Court on defendants' in-court Motion to Compel production of a PowerPoint presentation made by counsel for Swisher Hygiene. After hearing those arguments and determining that such PowerPoint was in the government's possession when it was viewed, and that such presentation could contain materials discoverable under Brady or Giglio, which provide that incriminating as well as exculpatory evidence should be produced, the court will Order its production. The court specifically finds that the government has not improperly withheld such materials as they were viewed and taken back by Swisher's counsel under what they believed was a proper non-waiver agreement with counsel for Swisher Hygiene.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the government retrieve from counsel for Swisher Hygiene the PowerPoint presentation and turn such over to defense counsel.

  
Title of Signatory Officer  
United States District Court